

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

LYONS PARTNERSHIP, L.P. AND HIT  
ENTERTAINMENT, INC.,

Plaintiffs,

v.

PARTY ART PRODUCTIONS INC.,  
ROBERTA HERMAN, PHILIP HERMAN,  
PARTY POOPERS, INC., MARLA MASE,  
57TH STREET PARTY CORP. D/B/A SAVE  
THE DATE, JENNIFER GILBERT, THE  
MAGIC AGENCY INC., SHELLEY  
CARROLL, ERIC SILVEY D/B/A ERIC  
SILVEY ENTERTAINMENT,

Defendants.

SUMMONS IN A CIVIL ACTION

CASE NUMBER

07 CIV 7121

JUDGE STANTON

TO: (Name and address of Defendant)

Party Poopers, Inc.

~~100 Greenwich St.~~

New York, NY 10006

11 Beach St. Ste. 410, NY NY 10013

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Toby M. J. Butterfield, Esq.

Matthew A. Kaplan, Esq.

COWAN, DeBAETS, ABRAHAMS & SHEPPARD LLP

41 Madison Avenue, 34<sup>th</sup> Floor

New York, New York 10010

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 09 2007

CLERK

*Wanda Quintero*

DATE

(By) DEPUTY CLERK

| RETURN OF SERVICE   |   |       |
|---|---|-------|
| Service of the Summons and complaint was made by me <sup>(1)</sup>  | DATE<br>8/23/07   |       |
| NAME OF SERVER (PRINT)<br>David A. Betron   | TITLE<br>Process Server   |       |
| Check one box below to indicate appropriate method of service   |   |       |
| <input type="checkbox"/> Served personally upon the defendant. Place where served:  |   |       |
| <input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.                                    |   |       |
| <input type="checkbox"/> Name of person with whom the summons and complaint were left: Returned unexecuted:   |   |       |
| <input checked="" type="checkbox"/> Other (specify): Left Copy of Summons & Complaint At Defendant's Place of Business - 11 Beach St. Ste. 410 NY NY Served Lisa Ratner                                       |   |       |
| STATEMENT OF SERVICE FEES   |   |       |
| TRAVEL  | SERVICES  | TOTAL |
|   |   |       |
| DECLARATION OF SERVER   |   |       |
| <p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> |   |       |
| Executed on <u>8/24/07</u><br>Date  | <u>David A. Betron</u><br>Signature of Server                       |       |
|   | <u>531 Redwood Dr.</u><br>Address of Server<br>Cedarhurst, NY 11516 |       |

<sup>(1)</sup> As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.